

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VANESSA FRYE,

Plaintiff,

v.

NICK SITU,

Defendant.

No. 2:24-cv-02209-DC-SCR (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 6)

Plaintiff Vanessa Fyre is proceeding *pro se* and *in forma pauperis* in this civil action. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 10, 2025, the assigned magistrate judge issued findings and recommendations recommending this action be dismissed, without prejudice, due to Plaintiff's failure to comply with the court's order and failure to prosecute this action. (Doc. No. 6.) Specifically, Plaintiff has failed to comply with the court's order dated October 16, 2024, in which Plaintiff's complaint was dismissed due to her failure to sufficiently plead a basis for federal jurisdiction and Plaintiff was directed to file a first amended complaint that cured the deficiency within thirty (30) days. (Doc. No. 4.) Plaintiff did not thereafter file a first amended complaint. Consequently, the magistrate judge issued an order to show cause on December 3, 2024, directing Plaintiff to explain why the court should not dismiss the case due to her failure to file an amended complaint

1 or notify the court of his intent to not file an amended complaint. (Doc. No. 5.) Plaintiff did not
2 thereafter file a response to the order to show cause or otherwise communicate with the court.

3 The pending findings and recommendations were served on Plaintiff and contained notice
4 that any objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 6 at
5 2.) To date, no objections to the findings and recommendations have been filed, and the time in
6 which to do so has now passed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
8 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
9 findings and recommendations are supported by the record and by proper analysis.

10 Accordingly,

11 1. The findings and recommendations issued on January 10, 2025 (Doc. No. 6) are
12 adopted in full;

13 2. This action is dismissed without prejudice, due to Plaintiff's failure to comply with
14 a court order and failure to prosecute this action; and

15 3. The Clerk of the Court is directed to close this case.

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18 IT IS SO ORDERED.

19 Dated: February 7, 2025



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21 Dena Coggins
22 United States District Judge

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